

Rec'd PCT/PTO 18 MAR 1997

1 of 2

#5

In the United States Patent and Trademark Office

Serial Number: 08/338,489

Appn. Filed: 18 November 1994

Applicant(s): Staggs, Jeff J.

Appn. Title: THERAPEUTIC USES OF PUNGENT BOTANICALS AND
THEIR RELATED COMPOUNDS

PCT/US93/04763 (CIP)

Int. Filing: 19 May 1993

Priority: 07/886,640 filed 21 May 1992

RECEIVED

24 APR 1997

Legal Staff
International Division

Adjustment Date: 08/26/1997 KDUNCAN1 Nm/Nb: 08338489
04/10/1997 190RS 0000065402 FC:967 -2165.00 OP

Attention: Leonard E. Smith
PCT Legal Examiner

08/26/1997 KDUNCAN1 00000130 08338489 CT Legal Office
01 FC:967 2145.00 OP
02 FC:967 20.00 OP

Mailed 13 March 1997
At: Denver, Colorado

RENEWED PETITION UNDER 37 CFR 1.137(b)

Assistant Commissioner for Patents,
Box PCT,
Washington, District of Columbia 20231

Sir:

In response to the Office letter dated 14 November 1996, Applicant respectfully requests reconsideration of matters contained therein in view of the enclosed responses, and that the above application be revived to the status of a pending patent application:

1. AMENDMENT A (enclosed) presents 54 rewritten claims for examination as follows in place of the prior 90 claims (PCT Article 34):

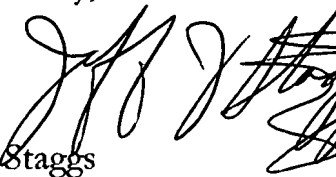
EXCESS CLAIM FEES:(PER AMENDMENT A)	\$2435
independent claims in excess of three :	4 x \$40 = \$160
claims in excess of twenty:	195 x \$11 = \$2145
multiple dependent claims:	\$130

- | | |
|---|---------------|
| 2. BASIC NATIONAL FEE (balance) | \$20 |
| 3. PETITION FOR (2 MONTH) EXTENSION OF TIME
(Rules 136 and 17(a)-(d)). | \$195 |
| 4. FEE PAYMENTS (TOTAL) check #2897 | <u>\$2650</u> |

5. SUPPLEMENTAL OATH OR DECLARATION signed 13 March 1997 is enclosed. A copy of the prior original Declaration signed 15 July 1993 that appears to have been lost by the Office is enclosed with copy of return postcard stamped "24 Rec'd PCT/PTO 26 JUL 1993," and accompanied "Response A" (5 sheets total) to show timely filing of the original Declaration.


Please contact me if I can assist you further.

Respectfully,


 Jeff J. Staggs
 Applicant Pro Se
 7474 E. Arkansas Ave. #8-10
 Denver, CO 80231
 (303) 337-6156 or 337-5569

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Assistant Commissioner for Patents, Box PCT, Washington, DC 20231" on March 13, 1997.

 3/13/97
 Jeff J. Staggs, Applicant Date

21 Rec'd PCT/PTO 18 MAR 1997

In the United States Patent and Trademark Office

#5

Serial Number: 08/338,489

Appn. Filed: 18 NOVEMBER 1994

Applicant(s): STAGGS, JEFF J.

Appn. Title: "THERAPEUTIC USES OF PUNGENT BOTANICALS AND THEIR RELATED COMPOUNDS"

Examiner/GAU: _____

Mailed: MARCH 13, 1997

At: DENVER CO

Petition for Extension of Time
(Rules 136 and 17(a)-(d))

Outstanding Office Action Mailed 199 6 14 NOVEMBER

Original Period for Response Expired 199 7 14 JANUARY

Request for Extension of 2 Month(s) to 199 7 14 MARCH

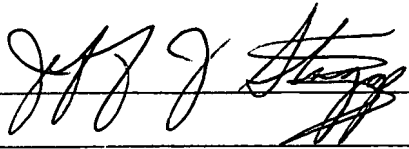
Sml. Ent. Petn. Fee Enc.: ☐ \$ _____ (1 mo.); ☒ \$ 195 (2 mo.); ☐ \$ _____ (3 mo.); ☐ \$ _____ 4 mo.)

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

Sir:

In the above application, applicant(s) respectfully petition that the period for response to the outstanding Office Action indicated above be extended for the additional month(s) also indicated above. A response to such Office Action and the above Petition Fee (Small Entity) are enclosed herewith. (This extension will not extend the time over the statutory period of six months from the date of the Office Action.)

Very respectfully,

Applicant(s): 

c/o: _____

Tel.: (303) 337-6156

Encs. 337-5569

Certificate of Mailing

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, DC 20231" on the date below.

Date: 199 7 MARCH 13 , Applicant

.....
JEFF J. STAGGS
7474 E. ARKANSAS AVE #810
DENVER CO, 80231



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



UNITED STATES POSTAL SERVICE
Official Business

The following received today:

1. U.S. national Fee check for \$10.00
2. Declaration for Utility Patent
3. Sample Drawing sheets 12/13 & 13/13
4. Response A (3 sheets).

24 Rec'd PCT/PTO

26 JUL 1993

IN THE PATENT AND TRADEMARK OFFICE
PCT RECEIVING OFFICE

Int. Appn. No. : PCT/US93/04763
Int. Filing Date: 19 May 1993
Priority Date : 21 May 1992
Applicant(s) : Staggs, Jeff J.
Appn. Title : Therapeutic Uses of Pungent Botanicals and
Their Related Compounds

Mailed 07/23/93
Denver, CO

RESPONSE A

Commissioner of Patents and Trademarks
BOX PCT
Washington, District of Columbia 20231

Sir:

Enclosed are the following items in response to the Receiving
Office letter mailed 24 June 1993:

1. U.S. National Fee check for \$10.00.
2. Declaration for Utility Patent.
3. Sample Drawing sheets 12/13 & 13/13 (attached) marked in
red to indicate typographical errors, namely:

- 1) 12/13 - Fluconazole FIG."23" should have been FIG."24"
- 2) 13/13 - Terconazole FIG."24" should have been FIG."25"

The above corrections are in accord with BRIEF DESCRIPTION OF

THE DRAWINGS pg. 31 of the application as filed, and are submitted by the Applicant to be obvious errors pursuant to PCT Rule 91(b) as follows:

"Errors which are due to the fact that something other than what was obviously intended was written in the international application or other paper shall be regarded as obvious errors. The rectification itself shall be obvious in the sense that anyone would immediately realize that nothing else could have been intended than what is offered as rectification."

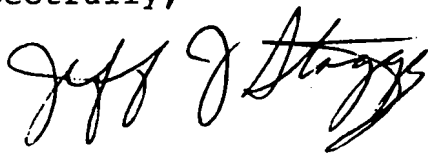
4. Issuance of the Notification of Non-Inclusion of Drawings (Form PCT/RO/107) is therefore traversed for the following reasons:

- 1) The errors are obvious errors pursuant to PCT Rule 91.
- 2) No drawing figures were missing from the application as originally filed. It is therefore improper to cite "non-inclusion"; therefore this action should be withdrawn.
- 3) The drawing figures (24 & 25) in question show acknowledged prior art compounds, and are not the subject of any patent claims in the application as filed.

CONCLUSION


Applicant has carefully studied the references, and comments offered in the 24 June 1993 letter from the Receiving Office, and respectfully requests that reconsideration, and withdrawal of the **Notification of Non-Inclusion of Drawings (Form PCT/RO/107)** citation in view of the above arguments, and considerations.

Very respectfully,



Jeff J. Staggs
Applicant Pro Se
7474 E. Arkansas Ave. #8-10
Denver, CO 80231
(303) 337-5569

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to "Commissioner of Patents and Trademarks, BOX PCT, Washington, DC 20231, on 07/23/93.

 7/23/93

Jeff J. Staggs, Inventor Date